

REMARKS

Claims 1 - 18 were originally pending in this application. The Examiner has required restriction to one of the following inventions under 35 U.S.C. §121:

- I. Claims 1 - 10, drawn to a composite shoddy, classified in Class 422, Subclass 1.
- II. Claims 11 - 18, drawn to a method of making a composite shoddy, classified in Class 156, various subclasses.

The Examiner found that the inventions are distinct, each from the other, because inventions II and I are related as process of making and the product made. More specifically, the Examiner found that the process as claimed can be used to make other and materially different products. In short, the Examiner asserts that the composite shoddy may be made by spraying the scrim layer and organic layers separately with the mastic layer and then bonding the scrim and organic layers at the same time. Furthermore, the Examiner found that the product as claimed could be made by another and materially different process. Thus, the Examiner asserts that the inventions I and II have acquired a separate status in the art, as shown by their different classification. Applicants respectfully traverse the Restriction Requirement.

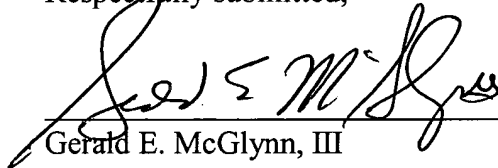
The invention of group I is directed toward a composite shoddy including an organic material defining an organic bottom layer and a scrim material defining a scrim top layer as well as a mastic material defining a mastic middle layer operatively disposed between the organic bottom layer and the scrim top layer where the scrim top layer is adapted to operatively engage a surface material and accommodate movement of a surface material in the shear direction. The invention of group II is directed toward a method of manufacturing a composite shoddy that results in the device described in group I. Applicants respectfully submit that the invention of group I could only be made by the

method of group II. Accordingly, the inventions of group I and II are related and could all be searched together. Therefore, it is respectfully submitted that the Restriction Requirement is improper and should be withdrawn.

Nevertheless, in reply to the Examiner's requirement, applicants provisionally elect to prosecute the invention of group II, claims 11 - 18, drawn to the method of manufacturing a composite shoddy.

Finally, it is respectfully submitted that the claims clearly distinguish over the prior art, and are therefore allowable, which allowance is respectfully solicited

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald E. McGlynn, III", is written over a horizontal line.

Gerald E. McGlynn, III
Registration No. 33,737
BLISS McGLYNN, P.C.
2075 W. Big Beaver, Suite 600
Troy, MI 48084
Phone: (248) 649-6090
Fax: (248) 649-6299
Email: gemcglynn@ipdirection.com

Date: September 27, 2005
Attorney Docket No.: 04356 (3883.00031)